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July 18, 1997

**VIA HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W. Room 222  
Washington, D.C. 20554

**Re: MM Docket No. 87-268**

Dear Mr. Caton

Transmitted herewith, on behalf of Channel 51 of San Diego, Inc., licensee of Television Broadcast Station KUSI-TV, San Diego, CA, are an original and four copies of its Opposition to Petition For Reconsideration (KSCI) of the Sixth Report and Order in the above-referenced matter.

Very truly yours

*Stanley S. Neustadt*

Stanley S. Neustadt

Enclosures

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JUL 18 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BEFORE THE

# Federal Communications Commission

In the Matter of

Advanced Television Systems  
and Their Impact upon the  
Existing Television Broadcast  
Service

MM Docket No. 87-268

## OPPOSITION TO PETITION FOR RECONSIDERATION OF SIXTH REPORT AND ORDER

Channel 51 of San Diego, Inc. (KUSI), licensee of Television Broadcast Station KUSI-TV, San Diego, CA, by its attorneys, pursuant to Section 1.429 of the Commission's Rules, respectfully opposes the Petition for Reconsideration filed in the above-captioned matter by KSLS, Inc.(KSCI), insofar as it urges that the Commission's allotment of Channel 18 to KUSI for DTV operation be set aside, and that it be changed to one of channels 17, 23, 29, 31, or 45. In support of its Opposition, KUSI states:

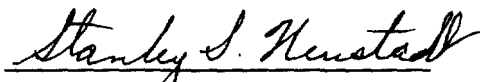
1. Station KUSI-TV, San Diego, CA currently operates on Channel 51 and has been allotted DTV Channel 18. Station KSCI, San Bernardino, CA currently operates on Channel 18 and has been allotted DTV Channel 61. The bulk of KSCI's Petition for Reconsideration does not deal with its proposed DTV channel, except to note that it might use its current transmitter site for that channel, but that it could not operate on that channel from Mt. Wilson. Its Petition is directed mainly at the fact that during a transition period before both stations are utilizing DTV facilities there may be mutual interference between KSCI's current NTSC operation on Channel 18 and KUSI's DTV operation on that channel.

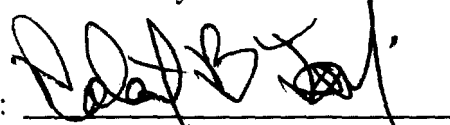
2. KUSI is also concerned by that possibility. It has, indeed, filed a Petition for Reconsideration which points out to the Commission that Channel 17 would be a viable alternative to Channel 18 for KUSI's DTV operation, but that the channel is allotted to Mexico at Ensenada, Baja California. It urges the Commission to attempt by treaty to have that Mexican assignment deleted. KSCI also urges consideration of that channel for KUSI. It further suggests Channels 23, 29, 31, and 45 as viable alternatives. As is demonstrated by the attached Engineering Statement of Bernard R. Segal, each of the additional channels listed by KSCI is also unavailable because of conflicting Mexican assignments.

3. Until Channel 17 or some other equally suitable channel actually becomes available, KUSI opposes any change in the current allotment. Each of the other alleged defects relied on by KSCI has clearly already been considered by the Commission in the allocation which it made for KSCI. At the present time, the allocation of Channel 18 for the DTV operation of KUSI is surely the best in the circumstances.

Respectfully submitted

CHANNEL 51 OF SAN DIEGO, INC.

By:   
Stanley S. Neustadt

By:   
Robert B. Jacobi

Cohn and Marks  
1333 New Hampshire Ave., N. W.  
Suite 600  
Washington, D.C. 20036-12573  
(202) 293-3860

July 18, 1997

Its Attorneys

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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**ENGINEERING STATEMENT  
PREPARED ON BEHALF OF  
CHANNEL 51 OF SAN DIEGO, INC.**

Channel 51 of San Diego, Inc. (Channel 51) is the licensee of station KUSI-TV, San Diego, California. In the FCC's *Sixth Report and Order* in MM Docket No. 87-268 in the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, the FCC allotted channel 18 for DTV use for KUSI-TV. The power is 50 kilowatts (MAX-DA) and the antenna radiation center height is 579 meters above average terrain.

KSLS, Inc. (KSLS), the licensee of station KSCI, San Bernardino, California, has submitted a Petition for Reconsideration in the above referenced proceeding. KSCI is located at Sunset Ridge, approximately 20 miles from Mt. Wilson where many of the Los Angeles television stations are located. The Petition's principal concern is with respect to the interference that would be caused to KSCI by the cochannel DTV operation of KUSI-TV. Channel 51 is equally concerned regarding the interference that KUSI-TV DTV channel 18 would suffer from KSCI and has itself submitted a Petition for Reconsideration suggesting that DTV channel 17 could provide a viable alternative if a

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

Engineering Statement  
KUSI-TV, San Diego, California

Page 2

renegotiation of the Agreement Between Mexico and the United States Concerning UHF Television Channel Assignments could be achieved to the extent of deleting the Mexican Ensenada, Baja California, channel 17 allotment.

In its Petition, KSCI, without benefit of engineering support, states that channels 23, 29, 31 and 45, in addition to channel 17, could be employed at San Diego by KUSI-TV. A quick review of the mentioned channels reveals that as in the case of channel 17, the remaining channels, also, have allotment impediments. The following tabulation identifies at least one impediment for each channel that precludes its use at San Diego.

<u>Suggested Channel</u>	<u>Comment</u>
17	Precluded by Mexican allotment at Ensenada, channel 17; distance = 97 km; required minimum = 280 km
23	Precluded by Mexican allotment at Ensenada, channel 23; distance = 97 km; required minimum = 280 km
29	Precluded by Mexican allotment at Ensenada, channel 29; distance = 97 km; required minimum = 280 km

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Consulting Engineer  
Washington, DC

Engineering Statement  
KUSI-TV, San Diego, California

Page 3

<u>Suggested Channel</u>	<u>Comment</u>
31	Precluded by N-14 taboo with respect to Mexican allotment at Tijuana, channel 45; distance = 20.6 km; required minimum = 95 km;
45	Precluded by Mexican allotment at Tijuana, channel 45; distance = 20.6 km; required minimum = 280 km

All the suggested channels are precluded from use at San Diego by Mexican allotments. Except for channel 17, which has already been reviewed by the undersigned, it is not known what other impediments than those identified above may further preclude use of those channels. The assertion that the mentioned channels can be employed at San Diego for DTV use by KUSI-TV is flawed.



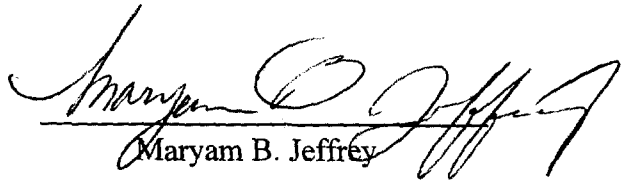
Bernard R. Segal, P.E.

July 17, 1997

**CERTIFICATE OF SERVICE**

I, Maryam B. Jeffrey, do hereby certify that a true and correct copies of the foregoing OPPOSITION TO PETITION FOR RECONSIDERATION OF SIXTH REPORT AND ORDER were mailed, first-class postage prepaid, this 18th day of July, 1997 to the following:

Roy L. Beindorf  
President  
Station KSCI  
12401 West Olympic  
West Los Angeles, CA 90064

  
Maryam B. Jeffrey